

HDOH-EPA Water Programs FY21 End of Year Meeting Programmatic Highlights and Concerns

Grants Administration

Highlights

- Hawai'i Department of Health (HDOH) has successfully executed a contract with PG Environmental for Clean Water Act (CWA) inspections and other support.

Concerns

- HDOH should continue to draw down funds and have project milestones for the CWA database and Water Pollution Control (WPC) database to avoid unliquidated obligations (ULOs) at the end of the 5-year CWA 106 grant.
- HDOH has several expired and soon-to-expire Quality Assurance Program Plans. As HDOH decided not to develop an overarching Quality Assurance Plan, individual programs are now expected to address their QAPP updates as needed. HDOH should develop and implement a clearer strategy for ensuring timely QAPP updates prior to plan expiration.

Clean Water Act Enforcement and Compliance

Highlights

- HDOH has met or exceeded all inspection targets.
- HDOH has exceeded expectations for addressing facilities in Significant Non-Compliance (SNC), achieving 0% SNC rate.
- HDOH has performed effective and timely enforcement actions, issuing 26 formal actions with over \$100,000 in penalties assessed.

Concerns

- Delays in implementing upgrades to the WPC database and ensuring data flow into ICIS remain ongoing concerns.
- Grant funding has remained relatively constant to HDOH over the past 10 years, while the universe of facilities and complexity of the program has expanded. HDOH should evaluate options for increasing its compliance oversight capacity, especially with regard to the data team.

NPDES Permitting

Highlights

- HDOH achieved 100% current on majors. HDOH attributes their success to their development of standard procedures and having almost a full team of hardworking permit writers.

Concerns

- HDOH was not able to renew the two general permits due to internal delay, specifically, waiting for direction from Attorney General's office. The FY22 CWA 106 grant includes a grant condition to renew these two permits by July 12, 2022.

Water Quality Standards

Highlights

- HDOH revised its water quality standards and adopted all EPA recommended human health criteria.

Beach Monitoring

Highlights

- HDOH monitored 100% of its Tier 1 beaches and reported no significant laboratory or reporting issues.

Concerns

- HDOH reduced sample collection on Kaua'i since April 2021 due to staff retirement; this has limited the program's ability to detect and report water quality concerns on Kaua'i beaches.
- The contracting process for upgrades to HDOH's data management system has taken longer than projected; HDOH should provide a timeline for completing upgrades to systems used by the CWB Monitoring section.

Monitoring Initiative

Highlights

- HDOH effectively used 106 MI funds to advance its nutrient chemistry monitoring throughout the state.
- HDOH contractors completed two studies that evaluated the performance of new methods for source tracking and pathogen monitoring.

Concerns

- HDOH has not uploaded to WQX any nutrient chemistry data collected by its monitoring since April 2017. Data must be uploaded and made available to the public at least annually. If progress is not made by mid-year FY22, EPA will include a grant condition in the FY23 grant.

Integrated Report and TMDLs

Highlights

- HDOH submitted its 2020 IR and is on track for an on-time submittal of its 2022 IR.

Nonpoint Source Program

Highlights

- HDOH filled the Program Manager vacancy and updated and received EPA approval of the Hawai'i Nonpoint Source Management Program Plan (2020-25).
- Hawai'i NPS Rules were adopted by the state legislature. The Surface Water Protection Branch reorganization was approved by the Governor, and new staff were authorized for NPS enforcement.
- HDOH received approval of the New Development Management Measure, moving the State closer to an approvable Coastal Nonpoint Pollution Control Program.
- FY21 project funding was encumbered by November 2021, just a month past the October 1 target date.

Water Quality Planning

Highlights

- Three planning projects were completed: Maui County Alternatives to Injection Wells Study; CCH Stormwater Utility Planning Study; and Maui County Wastewater Infrastructure Sea Level Rise Inundation Study.
- The EPA IPA was concluded after providing vital support to HDOH's monitoring mission.
- New projects include TMDL development and support for the cesspool conversion strategy.

Concerns

- For FY22-FY26, the state 604(b) funding allocations will significantly increase due to increased SRF appropriations. EPA encourages HDOH to work now with the Counties to develop high priority planning projects in anticipation of these additional resources, potentially including projects to address cesspool conversion and wastewater system master planning needs.

Drinking Water and Clean Water State Revolving Funds

Highlights

- EPA commends HDOH for its work and pending approval of a CWSRF project to help Kaua'i's pilot cesspool conversion process.
- HDOH's proposal to receive direct technical assistance from EPA HQ to use its DWSRF resources for the Hawai'i multi-agency well decommissioning project was approved.
- EPA appreciates HDOH agreeing to:
 1. revise its current CWSRF cash flow model to project at least 20 years into the future along with modifications to project administrative expenses as well,
 2. include in the CW and DW SRF governmental financial statements, a management discussion, and analysis as required supplementary information, and
 3. document how CWSRF program activities and requirements will be met in the coming year in the Intended Use Plan (IUP) and describe actual outcomes in the Annual Report.

Concerns

- HDOH should take fuller advantage of opportunities for outside assistance to build capability to provide funding for outer island wastewater and stormwater needs, cesspool conversions, and forest land conservation.
- HDOH needs to immediately and actively plan to administratively accommodate a much larger SRF program, which will include both larger CW and DW SRF funding capacities and special programmatic expectations specified in the Bipartisan Infrastructure Law (BIL).
- The DWSRF program is showing a total of 4 open capitalization grants in the amount of \$14,385,005.59 and should adhere to the EPA policy of maintaining no more than two open capitalization grants at a time.
- HDOH needs to take action to reduce the number of set-aside ULOs.

Source Water and Ground Water Protection Programs

Highlights

- Five source water assessments for communities on O'ahu were completed.
- HDOH initiated a PFAS sampling study to assess potential PFAS contamination of groundwater.

Concerns

- HDOH should address the DWSRF 15% set aside ULO for FY21. The funds could be transferred to the loan program if there is no immediate need for the money.

Public Water System Supervision Program

Highlights

- Hawai'i Safe Drinking Water Branch (SDWB) succeeded in keeping its number of community water systems with health-based violations at zero.
- Using EPA-awarded funds authorized under the Water Infrastructure Improvements for the Nation (WIIN) Act for testing lead in drinking water at schools and childcare facilities, HDOH collaborated with HI Department of Education and Department of Human Services to implement a substantial amount of testing and public outreach in FY21.
- Despite staffing shortages, SDWB succeeded in submitting three final primacy revision packages (Radionuclides, Phase II/V, and Arsenic Rule), one of which EPA approved in September 2021.
- SDWB also successfully completed the required number of sanitary surveys for CY2021.
- SDWB overcame obstacles caused by COVID to ensure operators had timely access to certification exams by transitioning to computer-based tests on O'ahu and Maui.

Concerns

- SDWB was unable to meet the workplan commitment for sanitary surveys in CY2020, short by only ten water systems.
- We are concerned about DOH's ongoing ability to complete all necessary workplan commitments given existing staffing constraints, new grants and legislative requirements (e.g., WIIN Act grants, AWIA requirements), and the pending arrival of new responsibilities (e.g., BIL).